

REMARKS/ARGUMENTS

In this Amendment, claims 15 and 36 are amended and claims 59 and 60 are added. Support for the amended and new claims can be found in the specification and figures as originally filed. No new matter has been added. After entry of Amendment, claims 15, 31-34, 36-54 and 57-60 will be pending and subject to examination on the merits.

I. Rejections under 35 U.S.C. §103

A. Independent claim 15

In the Office Action, claims 15, 28, 31-34, 47-51, 53-54, and 58 are rejected under 35 U.S.C. §103(a) as being unpatentable over van Vliet (USPN 4,099,749) in view of Shea (USPN 5,383,994) and Williams et al. (USPN 5,961,154). This rejection is traversed.

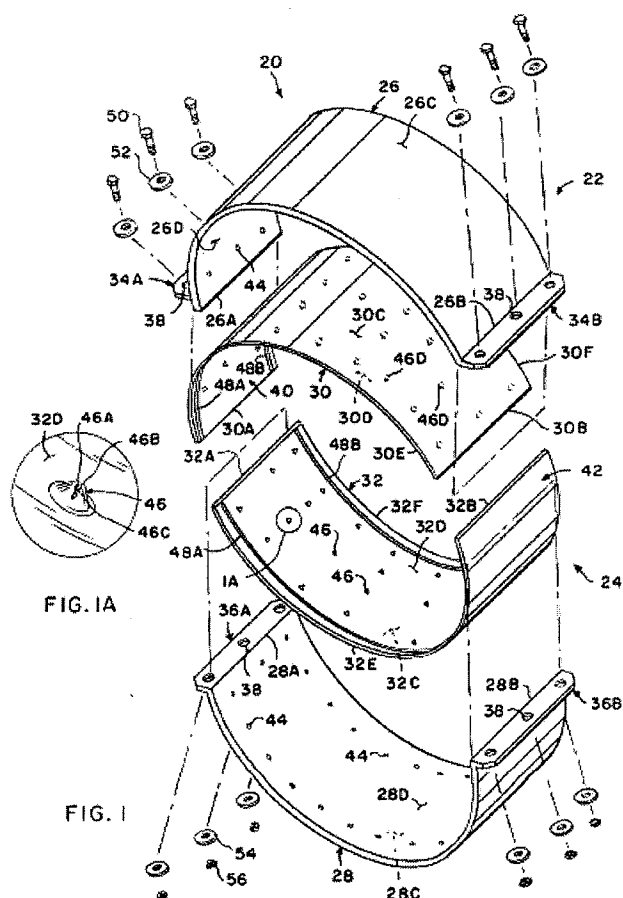
Obviousness has not been established for a number of reasons.

Regarding claim 15, the Examiner alleges on page 4 of the Office Action that Williams et al. teaches “that slip collars are formed with set screws and/or adhesive compositions applied in the slot regions comprised of novolac or epoxy resin (Williams et al., column 4, lines 2-4) of the slip collar to provide additional connection strength between the ducts and the coupling device (Williams et al., Figure 1, reference 38 and Figure 7, reference 94).” However, Applicants respectfully submit that the passages and accompanying figures of Williams et al. the Examiner cites do not in fact teach wherein the tubular outer portion includes apertures, and wherein set screws are disposed in the apertures, as required by claim 15.

The passage of Williams et al. cited by the Examiner states:

The sealant includes a settable admixture of curing agent and novolac epoxy resin. The clamping means includes at least one arcuate clamp portion having a metal inner skin attached to a metal outer skin. The mechanical linkage means is a multiplicity of punched protrusions in each inner skin, with each protrusion having an apex in penetrating contact with one of the duct section end portions.

Nowhere in the above passage is there mention of set screws. In fact, Williams et al. teaches that mechanical linkage means is a multiplicity of punched protrusions in the inner skin of an arcuate clamp. Such a surface, as shown in Figure 1 as 32D, would prevent “the first [duct] end inserted into the first slot region and the second [duct] end inserted into the second slot region each have a constant diameter” as required independent claim 15. The protrusions would prevent the ducts from being inserted into the slip collar to be secured by set screws. As such, Williams et al. actually teaches away from the limitations of claim 15.



Additionally, Applicants respectfully submit that reference 38 in Figure 1 that the Examiner alleges teaches that slip collars are formed with set screws, is also in error. Specifically, Figure 1, reference 38, reproduced above, shows “three collinear bolt holes.” (See Williams et al., column 7, lines 2-3). It is readily apparent that a hole is not a set screw.

Furthermore, the description of the hole 38 as a bolt hole also inherently implies that fasteners intended for such holes are not set screws. In fact, the text of Williams et al. confirms this inference in the description of reference 50 depicted in Figure 1.

According to column 7, line 39-44 of Williams et al., “Clamp portions 22 and 24 are connected by a bolt 50 passing through each hole 38 in the flanges 34A, 36A and 34B, 36B. Each bolt is secured by first and second washers 52, 54, and a nut 56 which can be tightened with an ordinary crescent or open-end wrench.” As such, the fasteners are inherently and explicitly not set screws as alleged by the Examiner.

Despite these deficiencies, Applicants have amended independent claim 15 to recite a “curved section comprising apertures” for the set screws. This additional feature is discussed below.

As additional evidence of non-obviousness, the Examiner is requested to consider the previously filed 37 C.F.R. 1.132 Declarations of Jeff Shea and Joe Plecnik (as filed on June 28, 2007 and March 1, 2006, respectively. Even assuming, *arguendo*, that the Examiner can allege that the claims are obvious in view of the cited references, Applicants submit that the Declarations provide sufficient evidence to rebut any allegation of obviousness.

For at least these reasons, claim 15, and all claims dependent therefrom, should be allowed.

B. Independent Claim 36

In the Office Action, claims 36-39, 41-44, 46 and 52 are rejected under 35 U.S.C. §103(a) as being unpatentable over van Vliet, in view of Shea, Williams, et al., and Jacobson (USPN 6,213,522). This rejection is traversed.

Independent claim 36 comprises the same limitation of “a set screw” as discussed above in reference to independent claim 15. The rejection of independent claim 36 under §103(a) depends on the same combination of van Vliet, Shea and Williams et al., which do not, alone or in combination, teach or suggest the limitation of a set screws, as discussed above in reference to claim 15, as required by claim 36. Therefore, for reasons similar to those discussed above, independent claim 36, and all claims dependent therefrom, should be allowed.

Additionally, independent claim 36 also recites the limitation of “the tubular outer portion includes a curved section comprising apertures.” Again, to establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. Here, none of the previously mentioned references nor Jacobson et al. teach or suggest such a limitation.

In the Office Action, the Examiner cites column 2, lines 30-34 of Jacobson et al. as teaching “slip collars comprise apertures on a curved section and wherein set screws are disposed in the apertures to provide additional strength once the duct work is assembled.” However, the passage cited by the Examiner actually states, “[i]n a further embodiment, one or more holes are located in the channels in order to accommodate a screw or similar securing means to provide additional strength once the duct work is assembled.” Nowhere in the cited passage or anywhere else in the specification of Jacobson et al. is there mention of a curved section comprising apertures. Such a limitation is not taught or suggested in Jacobson et al.

Additionally, the figures of Jacobson et al. do not support the Examiner’s allegations that “slip collars comprise apertures on a curved section and wherein set screws are disposed in the apertures.” As shown in Figure 1 in Jacobson et al., reference 5 are apertures, but Figure 1 does not disclose a tubular outer portion includes a curved section that comprises apertures as required by independent claim 36. The surfaces on which holes 5 are in is a flat section and are explicitly not on a curved section of the tubular outer portion as required by independent claim 36.

Since Jacobson et al. does not teach or suggest all the claims limitations recited in the independent claim 36, obviousness has not been established. For at least these reasons, independent claim 36, and all claims that depend therefrom, should be allowed.


As additional evidence of non-obviousness, the Examiner is requested to consider the previously filed 37 C.F.R. 1.132 Declarations of Jeff Shea and Joe Plecnik (as filed on June 28, 2007 and March 1, 2006, respectively. Even assuming, *arguendo*, that the Examiner can allege that the claims are obvious in view of the cited references, Applicants submit that the Declarations provide sufficient evidence to rebut any allegation of obviousness.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-576-0200.

Respectfully submitted,



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